IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6928 OF 2005

Madhukar Motiram Mhatre. ...Petitioner.
Vs.
Returning Officer, Ward H & Ors. ...Respondents.
....
Mr. M. S. Kumthekar for the Petitioner.
Mr. R. V. More for Respondent Nos.1 and 2.
Mr.A. S. Rao for Respondent No.3.
Mrs. S.S. Bhende, AGP for Respondent No.5.
.....

CORAM : F.I.REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

October 11, 2005.

P.C.

Rule. Heard forthwith.

Heard Learned Counsel for the parties.

We have considered the judgment of a Division Bench of this Court in **Farook Ali Khan s/o Ilyas Khan vs. Maharashtra State Election Commission**, 1998(1) ALL MR 9. We have also considered the judgment of the Apex Court in **N.P. Ponnuswami vs. The Returning Officer, Namakkal Constituency, Namakkal, Salem District,** AIR 1952 SC 64, so also the judgment of the Apex Court in **Manda Jaganath Vs. K. S. Rathanam,** (2004) 7 SCC 492 and the judgment of the Apex Court in the case of **Jaspal**

Singh Arora vs. State of M.P., (1998) 9 SCC 594.

Considering the ratio of the said judgments, this is not a fit case where this Court should exercise its extraordinary jurisdiction. Parties have remedy by way of Election Petition. In the light of that, Rule discharged.

(F. I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)